IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

MONDAY, THE 26TH NOVEMBER 2007 / 5TH AGRAHAYANA 1929

WP(C).No. 17539 of 2004(K)

PETITIONER:

RAMAKRISHNA BHAT,
PROPRIETOR, R.K.ENTERPRISES,
KODANGAL P.O., MOODABIDRI,MANGALORE TALUK,
KARNATAKA.

BY ADV. SRI.PHILIP T.VARGHESE
SRI.THOMAS T.VARGHESE

RESPONDENTS:

---

1. THE DISTRICT COLLECTOR, KASARGODE.

2. THE TAHSILDAR, KASARGODE TALUK.

3. THE SUB INSPECTOR OF POLICE,
KASARGODE POLICE STATION, KASARGODE.

4. VIDHYADHAR SHETTY, PROPRIETOR,
SUBI COMMUNICATIONS, 303, CLASSIC ARCADE,
K.S.RAO ROAD, MANGALORE 575 001.

BY GOVERNMENT PLEADER SMT. R. DEEPA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 26/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX IN W.P(C) 17539/04

PETITIONER'S EXTS:

EXT.P1: TRUE COPY OF AGREEMENT EXECUTED BETWEEN THE PETITIONER AND THE 4TH RESPONDENT

EXT.P2: -DO- OF INVOICE DT. 5.9.2001 ISSUED TO THE PETITIONER BY M/S. VIDHYA ELECTRICALS, SURATKAL

EXT.P3: -DO- OF ORDER DT. 13.4.2004 ISSUED BY THE 1ST RESPONDENT

EXT.P4: -DO- OF NOTICE DT. 26.4.2004 ISSUED BY THE 3RD RESPONDENT

EXT.P5: -DO- OF ORDER NO: 1127/04/G5 DT. 4.5.2004 ISSUED BY THE 1ST RESPONDENT

jj /TRUE COPY/

P.A. TO JUDGE

KURIAN JOSEPH, J.

W.P.(C) NO. 17539 OF 2004

Dated this the 26th day of November, 2007.

J U D G M E N T

This writ petition is filed with the following prayer:

i) Issue a writ of mandamus or any other appropriate writ or direction to respondents 1 to 3 to return the detained Generator sets of the specifications stated in Exhibit P2 to the petitioner forthwith.

The contention of the petitioner is that 4th respondent is liable to pay the lease rent. There will be a direction to the first respondent to take a decision in the matter in accordance with law, with notice to the petitioner and 4th respondent within a period of four months from the date of receipt of a copy of this judgment. The fate of the bond executed by the petitioner will depend on the order thus passed by the District Collector.

This writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE.

smp